

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

June 12, 2003

P. Sartorius called the meeting to order at 4:04 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, S. Warmington, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: B. Mazade, excused; J. Aslakson, excused; B. Smith.

STAFF PRESENT: D. Steenhagen, H. Griffith

OTHERS PRESENT: E. Winicki, 678 W. Laketon; R. Anderson, Acme Cleaners; C. Thomas, 1116 Spring; B. Stevens, Brunswick Corp.; Rev. Eugene, 1185 Wood; G. Wright, 1369 Calvin; R. Davis, 928 Fork; R. Muhammad, 289 Amity; H. Abbey, 760 Catherine; T. Theartric, 650 Allen; V. Davis, 928 Fork; B. Charles, 422 E. Apple; J. Everett, 683 E. Apple; J. Jackson, 1150 Pine; M. DeVries, Driesenga & Associates; T. Eagan, Sunset Waste Management.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of May 15, 2003 was made by T. Johnson, supported by L. Spataro and unanimously approved.

S. Warmington arrived at 4:07 p.m.

PUBLIC HEARINGS

Hearing; Case 2003-21: Request for a Special Use Permit for a used car lot at 678 W. Laketon Ave., by Edward Winicki, dba Pay Less Auto Sales. D. Steenhagen presented the staff report. The property is located on the corner of Laketon Ave. and Seaway Dr. and contains several businesses, including a pawn shop and carpet store. This site is extremely visible, as both Laketon Ave. and Seaway Dr. are heavily traveled roads, especially during the summer tourist season. This case is the result of an enforcement action on the property. Staff had observed that a used car lot was operating on the site and contacted the property owner to let him know that a Special Use Permit is required for this use. The property is zoned B-4, General Business. Used car lots are permitted in the B-4 district but only under Special Use Permit. The owner has stated that the property was originally a car lot but that he ceased the operation about 10 years ago when he became ill. His health has improved and he has recently begun the used car business again on the site. Even if the property had been constructed as a used car lot, by ceasing operations for more than 2 years, it has lost any nonconforming status that it would

have once had. Therefore, in order to operate a used car lot on the site, there must be an approved Special Use Permit. There are three buildings on the property along with associated parking area, both paved and unpaved. There are currently three businesses on the property, the used car operation, a pawnshop and a carpet roll store. There are currently two other operating used car lots along this stretch of Laketon Ave., within three blocks of this site. Staff has some concerns about a concentration of car lots within such a close area. Staff has reviewed the submitted site plan and has the following comments: a) The plan shows the locations of buildings and parking lots on the property and in the general area, but does not clearly indicate what the use of each building on the property is, and where the associated parking for each business is located. b) A portion of the site, directly adjacent to Laketon Ave. is currently paved but the rest is currently gravel. The entrance to the site is located off of the alley from Beidler St. and is also currently gravel. The site plan does not reflect which areas are paved. All parking and drive areas should be paved. c) The ordinance requires one parking space per three thousand sq. ft. of exterior sales area for open air businesses such as a car lot. There are no dimensions shown on the site plan, so staff was unable to determine what the specific requirement for this business would be. The other two businesses on the property require one space for every 300 sq. ft. of usable floor area. d) The cars on display are currently located mostly on the paved portion, directly at the corner of Laketon Ave. and Seaway Dr. There is no specific auto display area indicated on the site plan and the cars appear to be parked in different configurations at different times, as staff has driven by the site on various occasions. A specific area for auto display needs to be indicated on the site plan with parking spaces shown and striped. Parking spaces for the businesses need to be separate from the auto display area, striped and indicated as such. e) The ordinance allows auto sales in B-4, with a Special Use Permit, with two conditions. One condition is that no major repair or refinishing will be done on the property. The applicant needs to verify that no car repair will be done on the site. 2) The other condition is that "ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets". The current entrance to the site is from the alley with access from Beidler St., and is located over 60 feet away from the Beidler St./Laketon Ave. intersection. f) The site is currently paved up to the property line along Laketon Ave. and the corner of Seaway Dr. with a small retaining wall between the paved area and the sidewalk. This keeps cars from overhanging the public sidewalk. The site is nonconforming since in general, a 20-foot setback would be required from Laketon Ave. and a 30-foot setback would be required from Seaway Dr., with an average 10-foot greenbelt along both frontages. g) The site plan does not reflect where the office for the used car operation is located, but staff assumes that it is in the large building on the Laketon Ave. frontage. h) Although the site is nonconforming by being paved up to the property lines along Seaway Dr. and Laketon Ave., some form of landscaping should be provided on the site. This could be provided with either planters, as long as the planters are of sufficient size to accommodate landscape materials, or perhaps by planting some trees along the Seaway Dr. frontage. Any required landscaping must be maintained on the site. Signage for the business on the site is already in place. Staff has not received any phone calls or letters regarding this case.

T. Johnson asked if a site plan had been submitted showing where the planters and parking were proposed to be. D. Steenhagen stated that the applicant would need to submit a new site plan. P. Sartorius asked if it was okay for the applicant to use the alley. D. Steenhagen stated that no staff had mentioned any objections to the alley being used as access to the property. E. Winicki stated that he has owned the property for about 40 years. He had kept his dealer's license,

insurance, and state license up, even though he wasn't performing auto sales. He stated that he also keeps up the alley. S. Warmington stated that it seemed to always have a few cars for sale on the property. Usually there weren't as many vehicles as there are now. T. Johnson asked if the applicant was aware of the conditions that staff had proposed regarding paving the rest of the parking area. E. Winicki stated that the property is about 100 ft. by 200 ft. There is plenty of room on the property and he is willing to do what is needed. L. Spataro read the rest of the proposed conditions and asked if the applicant had any problems with them. E. Winicki stated that he would do whatever he had to in order to continue the auto sales. T. Michalski asked if the alley was gravel or paved and if not, was it going to be paved. D. Steenhagen stated that it was gravel and the City couldn't require him to pave the alley. R. Anderson of Acme Cleaners stated that he has a large parking lot and customers of the businesses on Mr. Winicki's property park in his lot. He suggested placing a condition that the southwest portion of the property have a barrier fence installed. P. Sartorius asked Mr. Anderson if he would be opposed to the request if this were done. R. Anderson stated that he wouldn't be. C. Thomas stated that he was in favor of this request. He felt that the City should pave the alley. B. Stevens from Brunswick Corporation had no objections to this request.

A motion to close the public hearing was made by S. Warmington, supported by L. Spataro and unanimously approved.

T. Johnson suggested adding a condition that the applicant be required to have directional signage showing customers where they are supposed to go to get to his property. T. Harryman agreed. L. Spataro stated that there are already signs. He added that if the City were to pave the alley, the adjacent property owners would also have to pay for a portion of it through a special assessment. T. Harryman suggested sending the adjacent property owners a letter to see if they were interested in this. P. Sartorius asked the applicant if he were willing to have directional signs. E. Winicki stated that there is already a sign in the alley.

A motion that the special use permit and associated site plan for a used car lot at 678 W. Laketon Ave. by Pay Less Auto Sales be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) A revised site plan must be submitted for staff's approval and must include: a) Details about the nature of each building on the site and the use of each building. b) Dimensions of the property, all buildings, setbacks, parking areas and auto display space. c) Details about the location of all auto sales display space and all parking areas for each business. The businesses may share a common parking area as long as enough spaces are provided to accommodate the parking requirements for each business separately. All parking, drive and auto display areas must be paved and striped. d) Some form of landscaping, possibly planters if of sufficient size to accommodate landscaping materials, or trees, needs to be provided on the site. e) Provide some form of screening or barrier between his property and Acme Cleaners. 2) The applicant must verify with staff that no car repair is being or will be done on the site, was made by S. Warmington, supported by L. Spataro and unanimously approved.

Hearing; Case 2003-22: Request to vacate the 274 linear feet of McLaren St. north of Wesley Ave., by the Sterling Group. D. Steenhagen presented the staff report. This request had previously come before the Planning Commission in November of 2002. The request was denied by the City Commission at that time, based on the recommendation of the Planning

Commission. The commission members were provided with an excerpt of the meeting minutes. Since the previous request was made, several changes in the project have occurred. The Findlay Group has completed the purchase of the property. However, they are no longer involved in the development of the senior duplex project and are working with the Sterling Group, who is taking over as developer of the project. The Sterling Group has been in contact with city staff about the project and has met several times about the issues with vacating this portion of McLaren St. She informed the commission members of the concerns that were discussed by the Sterling Group, the City Engineer, the Fire Marshal and the Department of Public Works from the June 9<sup>th</sup> meeting. The utilities would need to be relocated out of the ROW (water main), there was discussion regarding a lift station. The Fire Marshal stated that all the buildings would need to be sprinkled. Should the portion of McLaren being requested be vacated, there would need to be a turn around that would meet fire code.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

L. Spataro asked if staff were recommending approval of this request. D. Steenhagen stated that staff would recommend approval if the applicant had been here to address the conditions that were discussed at the June 9<sup>th</sup> meeting. L. Spataro stated that the previous developers didn't want to do all the conditions and he would prefer verbal insurance from the applicant that they were willing to do this. T. Harryman asked if there were any phone calls from the public regarding this case. D. Steenhagen stated that there were no phone calls this time.

A motion that the vacation of 274 linear feet of McLaren St. north of Wesley Ave., by the Sterling Group, be tabled, was made by S. Warmington, supported by T. Johnson and unanimously approved.

Hearing; Case 2003-23: Staff-initiated request to rezone multiple properties in the portion of the city known as Area 11, bounded generally by Pine St., Walton Ave., Ryerson Creek, Kenneth St., and Irwin Ave. D. Steenhagen presented the staff report. This case is a continuation of the 'blight fight' effort begun by the City Commission last year. So far the entire area bounded by Peck St., Southern Ave., Seaway Dr. and Apple Ave. has been studied and parts of it rezoned, as 'Area 10' and 'Area 10b'. The current target area for the blight fight effort is labeled 'Area 11', and encompasses the area bounded by Walton St., Ryerson Creek, Kenneth St., Irwin Ave., and Pine St. This area contains 1,148 parcels. Staff has conducted a land use survey and sent out letters to property owners asking them to verify that the land use we have on record for their property is correct. A land use map of Area 11 is included in this packet. Based on the land use survey and Master Plan recommendations for this area, staff is proposing to rezone many of the parcels in Area 11. A mailing has been sent to every property owner and tenant of record, both within Area 11 and within 300 feet of the boundaries of Area 11, informing them that this rezoning is being proposed and discussed by the Planning and City Commissions. Approximately 2,000 letters were sent out in this rezoning effort. The current zoning of many of the residential properties within Area 11, the commission members were provided with a Current Zoning map of this area, is either RT, Two-Family Residential or RM-1, Low Density Multiple-Family Residential. There is also an area on the east side of Area 11 which is currently zoned R-1, Single-Family Residential. The land use survey showed that although there are many existing multi-family dwellings within the area, the majority of residential

properties do contain single-family homes. Therefore, staff is proposing to rezone most of the RT and RM-1 zoned residential properties to R-1, Single-Family Residential. Any existing multi-family units would be permitted to remain as legal nonconforming uses, but no further single-family homes would be able to be converted to multi-family units. Existing multi-family developments such as Cogic Village and Bayview Towers would remain as currently zoned (RM-1 and RM-3, respectively). Some RT and RM-1 zoning would remain, but would be focused along Apple Ave. and Wood St. where many multi-family uses are concentrated and where they would act as a buffer between commercial areas and the primarily single-family area more interior to the neighborhood. The western edge of Area 11 is currently zoned B-5, Governmental Services. Staff is not proposing any changes to this zoning. Along Apple Ave. are many existing commercial buildings, most of which are currently zoned either B-2, Convenience & Comparison Business or B-4, General Business. Staff is proposing to downzone most of the B-4 properties to B-2, leaving only the Goodwill property zoned as B-4. Staff is also proposing to downzone some of the B-2 properties to B-1. This approach is intended to keep Apple Ave. from becoming more heavily commercialized while still allowing the types of commercial uses, which are more compatible with the surrounding residential area. As Goodwill is located closer to the downtown and the existing B-5 area, staff does not see any need to make this use nonconforming by downzoning it. There is a small pocket of industrial zoning along the southern edge of Area 11. This area is currently zoned I-1, Light Industrial because there have historically been several existing industrial uses there. Staff is proposing to leave most of this area as currently zoned, while changing some properties more adjacent to the neighborhood to B-1. A map of the proposed zoning for Area 11 was provided to the commission members.

T. Johnson asked if there would be any non-confirming uses on the properties that were being downzoned from B-4 to B-2. D. Steenhagen stated that there wouldn't. Most of the properties would be okay under B-2 or they would require a special use permit. The existing business won't need to obtain a special use permit since they already exist. P. Sartorius asked D. Steenhagen to explain downzoning. D. Steenhagen explained the downzoning and legal non-conforming uses. L. Spataro asked why the Church at the corner of Spring and Myrtle was being rezoned to RM-1. D. Steenhagen stated that the current zoning of the property was RM-3. Should the church decide to relocate, the RM-1 zoning would allow the property to be developed possibly into a small multi-family development. L. Spataro asked if the properties that were located in the B-5 zoning were going to remain with that zoning. D. Steenhagen stated that staff is not proposing to change any of the B-5 properties. L. Spataro asked why the properties bordered by Goodwill Ind. property and Ambrosia and Iona were proposed to be RT instead of single family. Most of the structures in this area are single family homes. D. Steenhagen explained that it provides somewhat of a buffer between the B-4 and single family zoning districts. L. Spataro felt that the vacant lot at the corner of McLaughlin and Wood (next to the beauty salon) be zoned the same as the salon. Should the beauty salon obtain the neighboring property, they won't have to get it rezoned later. He also inquired about the building at the corner of Apple and Wood. D. Steenhagen stated that she has spoken with the owner. The property is currently set up as a 2-unit. L. Spataro suggested zoning it B-2. L. Sartorius asked why staff proposed to rezone Angell School to single family. D. Steenhagen stated that most elementary schools are in single family zoning districts. P. Sartorius asked why the corner of Ada and Williams was proposed to be R-1. D. Steenhagen stated that currently there is a church at the location and churches are allowed in single family zoning districts. P.

Sartorius asked why the Community Mental Health property wasn't being rezoned to B-5. D. Steenhagen stated that the B-5 zoning district is made up of contiguous properties. There are no spot zones of this since governmental services are mainly located in the center of downtown.

Rev. Eugene asked what his property was going to be rezoned to and why. D. Steenhagen explained that it is currently zoned RM-1 and staff is proposing to rezone it to RT. P. Sartorius added that fewer units would be allowed and this would reduce the intensity from what is currently allowed. C. Thomas felt that single family homes should be located closer to the business districts. G. Wright wanted to know if his property taxes would go be increased because of this. P. Sartorius stated that the property taxes are based on the property and not how it is zoned. R. Davis spoke on behalf of his mother. Her property is single family and not two family. R. Muhammad stated that she is in favor of the rezoning. She is concerned with how rental properties are kept up along with the kind of tenants that live in some of them. She gave examples of her concerns. P. Sartorius stated that the idea of this is to help stabilize the neighborhoods. S. Warmington added that the community officers might be able to help with some of the problems. H. Abbey asked if her son would be able to rent a room out of his house with this downzoning. P. Sartorius stated that this use would fall under a rooming house and it wouldn't be allowed in an R-1 zoning district. C. Thomas asked if this would control who would buy a home. P. Sartorius stated that it wouldn't. This would help keep any of the larger homes from being made into apartments if the zoning was single family.

T. Harryman left at 5:07 p.m.

T. Theartric stated that he would like to purchase a portion of the property next door to him. He wanted to know how to go about this. P. Sartorius stated that he would need to talk to the Planing Department. C. Thomas asked how property taxes are determined. P. Sartorius and L. Spataro explained the process. C. Thomas stated that he wasn't opposed to the request. He felt this was a good idea. V. Davis felt that some of the homes should be "grandfathered" in. She also felt some of them should be demolished. B. Charles questioned the proposed rezoning for his property at the corner of Apple and Wood from commercial to two family residential. D. Steenhagen stated that there would be no problem with changing it to B-2. L. Spataro asked if he would be opposed to the B-2 zoning. B. Charles stated that he wouldn't be opposed to the zoning. J. Everett asked what the zoning would be at the corner of Kenneth and Getty. D. Steenhagen stated that it would be single family. J. Jackson asked what the zoning for the property located at 212 E Apple would be. D. Steenhagen stated that it is currently zoned B-2 and there are no proposed changes at this time.

A motion to close the public hearing was made by T. Johnson, supported by S. Warmington and unanimously approved.

D. Steenhagen mentioned that the property in the upper right hand corner of the map is currently zoned OSC and will remain that way.

A motion that the request to rezone property as shown on the proposed map, from various zoning designations to new designations as proposed by staff be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning

district intent with the following changes: 1) The property located at the North-East corner of Apple and Wood be rezoned from B-4. 2) The properties bordered by Goodwill Ind., Ambrosia and Iona be rezoned to R-1. 3) The property at the corner of McLaughlin and Wood up to the alley be rezoned to B-1, was made by L. Spataro, supported by T. Johnson and unanimously approved.

A motion that the New Business be heard before Old Business was made by S. Warmington, supported by L. Spataro and unanimously approved.

### NEW BUSINESS

Case 2003-24: Request for Site Plan Review for a solid waste facility at Olthoff Dr., by Driesenga & Associates, Inc. D. Steenhagen gave the staff report. The subject property is located on Olthoff Dr. in the Port City Industrial Park. The property is zoned I-2, General Industrial. Sunset Waste is proposing to construct a solid waste facility on the property. The project is proposed in two phases. Phase I will consist of an office and truck maintenance facility, as well as a parking area for staff/visitors and a garbage truck parking area. Phase II will consist of a transfer/recycling facility toward the rear of the property. Staff has reviewed the site plan and has the following comments/concerns: a) The proposed development consists of two buildings, a truck scale, fueling station, cart storage area, and parking areas for staff, visitors and garbage trucks. The office/maintenance building is to the front of the site with staff/visitor parking in front of it. The transfer/recycling facility is located at the rear of the site, with garbage truck parking in between the two facilities. b) By being set behind the front building and quite a ways back from the road, the garbage truck parking area should be well blocked from public view off of Olthoff Dr. The existing (to be preserved) and proposed landscaping will also help to screen the trucks, fueling station and scale from the road. c) The subject property is located in an industrial park, therefore there is no adjoining residential property and screening is not a concern. Any outdoor storage must be screened from public view however. d) The site requires a 10-foot greenspace setback on all sides. The site plan shows that this requirement has been met. e) The parking area shows 44 paved parking spaces, 9' x 18' feet in size. The office area is shown to be 6,000 square feet in size, which requires 15 spaces. A recycling facility requires one space per employee. The proposed staff/visitor parking area appears to be more than adequate for parking space number and size. f) A truck well is shown on the proposed recycling facility. The truck well meets ordinance requirements for size (at least 10' x 50') and the approach is paved as required. The truck well will not require trucks to block any public rights-of-way when maneuvering on the site, as it is located at the rear of the site and adjacent to the garbage truck parking area. g) The site plan shows two stormwater detention areas. The first is at the front of the side, adjacent to the proposed parking area. The second is to the very rear of the property. h) The parcel is somewhat wooded. There are many trees near the front of the site proposed to be saved. These trees are allowed to be counted for landscaping requirements in lieu of new landscaping materials being required. The site has 282 feet of frontage, which would require 9 canopy trees, 18 understory trees and 18 shrubs. There are 13 specific trees called out on the site plan to be saved, as well as a tree line along the western edge of the property shown to be preserved as a landscape buffer. There appear to be additional landscape materials shown on the site plan as well, but staff is unsure of this, as no explanation for those symbols has been provided. i) There is a note on the site plan that all restored green areas, excluding the wooded areas, will be irrigated. This meets

ordinance requirements. j) The Department of Public works has reviewed the site plan and has the comment that the developer must provide utility size to DPW. k) The Fire Marshal has reviewed the site plan and has the following comments: i) Fire hydrants shall be listed on the plan. ii) Fire flow test shall be conducted to review adequate water supply requirements. Owner shall coordinate with the DPW. iii) Proposed watermain shall be no less than 8 inches. iv) Building heights for proposed structures shall be listed on the plan. v) Proposed fueling station shall have DEQ pre-approval and meet International Fire Code requirements. vi) Ingress/egress shall be no less than 26 feet in width for FDC access. vii) Access around proposed structures shall be continuous. l) Engineering had concerns regarding the retention basin. He is concerned that it may be placed higher than it should be and it may not work. m) The Police Department has reviewed the site plan and has no outstanding issues with it. A freestanding sign is shown on the site plan but no details of it are given. All signage must meet ordinance requirements and sign permits must be obtained before any signs are placed on the site. The site is allowed one freestanding sign of up to 126 square feet in size, 25 feet high. The site is also allowed wall signage of up to 10% of the front building face. Staff recommends approval of the request with the conditions.

M. DeVries stated that the retention basin would work. He pointed out Phases 1 & 2. He also showed the trees that were going to be retained along with what they will be adding. They would like to save as many trees as possible. T. Johnson asked if the shaded area was for parking. M. DeVries stated that it was. This would be for the storage of the garbage trucks. T. Eagan stated that they would like to move the facility in Whitehall here. Phase 2 of the project is contingent on the budget. MDEQ would also have to approve the Phase 2 portion of this, which is the transfer station. T. Johnson asked if the retention was part of Phase 1. M. DeVries stated that it is.

A motion that the proposed site plan for a new solid waste facility on Olthoff Dr. be, approved, based on the following conditions: 1) Details of the key for landscaping materials will be provided to staff. All trees proposed to be preserved must be clearly marked and protected during construction by snow fencing or other means. 2) All requirements of the Fire Marshal, City Engineer and DPW will be met. 3) Sign permits will be obtained for all proposed signage on the site, was made by L. Spataro, supported by S. Warmington and unanimously approved.

## OLD BUSINESS

Hearing; Case 2003-19: Staff initiated request to amend the sign regulations of the Zoning Ordinance regarding temporary signage (tabled). The commission members were provided with a new draft of the proposed language changes. D. Steenhagen presented the staff report. Staff has made changes to the proposed language, based on the discussion at the May Planning Commission meeting. The second draft moves the language regarding banners under 'Exempt Signs' and includes regulations regarding quality, size and number of banners. No permits will be required for banners and no time limit is included. The commission members were provided with the proposed new language.

The commission members discussed the proposed language. S. Warmington asked what the definition of streamers was. L. Spataro stated that some of the words needed definitions to insure what was meant. T. Michalski agreed. D. Steenhagen read the definitions of banner and



pennant from the zoning ordinance.

A motion to close the public hearing was made by T. Johnson, supported by L. Spataro and unanimously approved.

A motion that the request to amend the sign regulations of the Zoning Ordinance regarding temporary signage as proposed by staff be recommended for approval to the City Commission with the removal of “pennants” and “streamers” from the Prohibited Signs language, was made by T. Johnson, supported by T. Michalski and unanimously approved.

#### OTHER

Staff Report – D. Steenhagen stated that she has been working on some educational material and she would be sending it to the commission members to look at it before she presents it to the City Commission. This would be information material to applicants as to what to expect at the meetings and what the commission members will base their approvals for any requests brought before them. S. Warmington suggested presenting it to the Community Relations Committee.

Harbour Towne – P. Sartorius asked if there were any new information regarding the Harbour Towne sidewalks. D. Steenhagen stated that the City Attorney has not determined the method for assessing the sidewalks yet.

MSP Conference – P. Sartorius asked staff if any of the commission members could attend this. D. Steenhagen stated that she didn’t know yet since the budget was cut for conferences. She will check into this.

“Council OKs Historic District” – L. Spataro handed out an article from the Detroit Free Press to the commission members to read.

Imagine Muskegon – P. Sartorius informed the commission members when the next Imagine Muskegon meeting would be.

There being no further business, the meeting adjourned at 6:10 p.m.

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6/12/03